

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

LONZO SHEPPARD,	)	Case No.: 1: 24-cv-0078 JLT BAM (PC)
	)	
Plaintiff,	)	ORDER ADOPTNG FINDINGS AND
	)	RECOMMENDATIONS, DISMISSING THE
v.	)	ACTION WITHOUT PREJUDICE FOR FAILURE
	)	TO EXHAUST ADMINISTRATIVE REMEDIES,
BRYAN PHILLIPS,	)	AND DIRECTING THE CLERK OF COURT TO
	)	CLOSE THIS CASE
Defendant.	)	
	)	(Doc. 13)

Lonzo Sheppard initiated this action seeking to hold Warden Bryan Phillips liable for violations of his civil rights at the Substance Abuse Treatment Facility. (Doc. 1.) Plaintiff attached a 602 grievance to his complaint, which was received by the Office of Grievance on December 20, 2023. (*Id.* at 10.) In addition, the Claimant Grievance Receipt Acknowledgment” indicated the Office of Grievance would complete its review by February 19, 2024. (*Id.*) However, Plaintiff initiated this action by filing a complaint on January 17, 2024. (Doc. 1.)

The magistrate judge issued an order to Plaintiff to show cause why the action should not be dismissed for his failure to exhaust administrative remedies prior to filing a complaint. (Doc. 10.) After Plaintiff filed a response (Doc. 11), the magistrate judge found Plaintiff did not identify any documents or make any arguments that demonstrated he exhausted his administrative remedies prior to filing his complaint. (Doc. 13 at 3.) Therefore, the magistrate judge recommended the action be dismissed without prejudice. (*Id.*)

1 The Court served the Findings and Recommendations on Plaintiff and notified him that any  
2 objections were due within 14 days. (Doc. 13 at 4.) The Court advised him that the “failure to file  
3 objections within the specified time may result in the waiver of the ‘rights to challenge the magistrate  
4 judge’s factual findings’ on appeal.” (*Id.*, quoting *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th  
5 Cir. 2014).) Plaintiff did not file objections, and the time to do so has passed.

6 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.  
7 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are  
8 supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 9 1. The Findings of Recommendations dated May 16, 2024 (Doc. 13) are **ADOPTED** in  
10 full.
- 11 2. The action is **DISMISSED** without prejudice.
- 12 3. The Clerk of Court is directed to close this case.

13  
14 IT IS SO ORDERED.

15 Dated: **June 15, 2024**

  
UNITED STATES DISTRICT JUDGE